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09/188,863 11/09/98 NABORS

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EXAMINER

TM02/0725

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ART UNIT

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2162

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

482

Office Action Summary

Application No.

09/188,863

Applicant(s)

NABORS ET AL.

Examiner

Khanh H. Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on May 07, 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 30-71 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 30-71 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

Final Action

1. The amendment of claim 1 and newly added claims 30-71 have been entered . Claims 2-29 have been canceled. Claims 1, 30-71 are presented for prosecution. New grounds of rejection are applied as a result of the amendments and cancellations.

Response to arguments

2. Applicants' arguments received May 07, 2001 have been fully considered but they are not persuasive (see discussion under Claim rejections. 35 U.S.C. 103 section below.)

Claims objections

3. Claim 60 is objected to because of the following informalities: Typographical error: " a response" before " a negative response". . Appropriate correction is required.

Claims rejection . 35 USC 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 50 and 51 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably

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convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 50 introduces new matter "wherein the authenticated buyer is one of a banking institution, lending institution, product representative associated with a manufacturer of the product, and/or a re-seller of the product." not supported by the original specifications and therefore rejected. Applicant is requested to point out with particularity the appropriate support, if any as none was found.

Claim 51 introduces new matter "wherein an indication that the set of attributes was received from the authenticated buyer denotes to the seller(s) that the customer is ready, willing and/or eligible to complete the purchase" not supported by the original specifications and therefore rejected. Applicant is requested to point out with particularity the appropriate support, if any as none was found.

Claim rejections. 35 U.S.C. 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 32-37, 38-42, 43-44, 45, 54, 57-65, 67, 68, 68 are rejected under 35 U.S.C. 103(a) as being unpatentable over the TechShopper (TS) article in view of well-known business practices.

As per claim 1, the “TechShopper” (TS) article inherently teaches

A method comprising :

receiving a set of product attributes (In TS, called “specifications”, see 5th paragraph “detailed specifications”) denoting a customer's desired product configuration (TS discloses helping users “transform their complex usage needs into detailed specifications decisions”. Inherently to find sellers those specifications inherently have to be received as a desired product configuration. TS also “recommends configurations” with its “SoftwareExpert” and its “Percentage Matching Algorithm” features);

transmitting a request for quote (RFQ) to a selected set of sellers, (through TS’ “SellerFinder” feature, customers select sellers who can fulfill their desired configuration then the system “instantly broadcast (s)” (transmits) these RFQ’s through TS’s “Custom Quote Request and Response Service” feature)

the RFQ including the customer's desired configuration (The TS model helps users transform their complex usage needs into detailed specifications, advises on each specification selection and recommends configurations. It is inherent in its model that once a configuration made up of certain specifications is selected ,the customer can send out an RFQ made up of those specifications to selected sellers through TS’s “Custom Quote Request and Response Service” features); and

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notifying the requesting customer upon receipt of quotes in response to the transmitted RFQ. (this is inherent in the TS model so buyers can make a purchase decision based on quotes received . It is inherent that sellers receiving RFQ's would want to respond with quotes and thus at least one of the more than 200 vendors in TS's system would thus respond. It is inherent that TS system would notify the customer once such quotes are received to fulfill the purpose of the "Custom Quote Request and Response Service" feature).

TS does not explicitly disclose transmitting a request for quote (RFQ) to an automatically selected set of sellers.

However, Applicant distinguish their invention as compared to the TS system as follows:

"That is, the TechShopper service merely discloses a manual vendor selection system, wherein the user must identify seller(s) to which the custom quote request is directed" (Amendment p. 10 , second paragraph) .

and further,

"That is, amended claim 1 includes the feature wherein RFQs are transmitted to an automatically selected set of seller(s) from a plurality of available seller(s) (see, e.g., page 7, lines 9-10; page 7, line 31 through page 8, line 9; page 10, lines 4-25; page 13, lines 8-9; and associated Figs.). Applicant respectfully submits that neither the TechShopper reference nor the Dworkin reference disclose or suggest the feature of automatically selecting a set of seller(s) to which a custom RFQ is sent, as presented in amended claim 1. (Amendment p. 11 , 3rd paragraph)

However, with respect to the feature of automatically selecting the sellers to which the RFQ's are sent, as claimed, the specifications at ,

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page 7, lines 9-10 just refer to a sellers database of authorized sellers of the products, with names, addresses, geographical areas served etc...

at page 7, line 31 through page 8, line 9: refer to an intermediary that chooses the sellers according to criteria such as geographic area and authorized dealers using the sellers database

at page 10, lines 4-25: refer to selection by the intermediary either by : 1) criteria such as customer's geographical location, manufacturer's authorized dealers status, past history of dealing with particular sellers (filter) or 2) from a "preferred sellers list"

at page 13, lines 8-9: state that the advantage of retaining the intermediary in the process is that the intermediary has more expertise in using the apparatus and process and in dealing with sellers".

Thus what Applicants argue is the principal difference between the claimed invention and the TS disclosure, specifically what is claimed as "automatically selecting the target set of sellers" is the use of a broker in the process who intermediates between the customers and the sellers and narrows down for the customer a short (target) list of sellers based on their knowledge of the sellers and other criteria, thus saving the customer some time / effort and tedium in the selection/buying process.

Official Notice is taken that brokerage services are to assist customers in shopping decisions are old and well-known, particularly when involving complex products , which involve many possible configurations.

One such example is real-estate brokerage, and particularly for new construction. The customer would specify the desired criteria of the house. The broker searches his database for builders to find which builders build which types of houses, with what features and where, to meet the customers specifications; He/she filters the list of potential builders by checking their reputations, and checks his/her own past dealings with them if any; he/she may have a preferred

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sellers list to which he/she steers customers for many reasons, one of which maybe based on the fees he/she gets from such builders...

Cars purchases and mortgage loans brokerage services are old and well-known as well .

It is further well-known that brokers perform different levels of service depending on the particular customer. Some customers may prefer a longer list of vendors to choose from and contact the vendors directly for quotes, (e.g. the TS system), (Although note: TS 's SellerFinder's feature also returns vendors lists " based on service and support policies..." therefore TS already suggests a degree of sellers triage).

Other customers would prefer delegation of more filtering duties to the broker as well as let the broker take care of sending the quotes and returning a limited number of best quotes.

Thus one skilled in the arts would have found it obvious, at the time of the invention, to add to the TS disclosures of sending RFQ's to sellers over a network, from a computer -generated list of sellers, the extra step of letting a broker (intermediary) send the RFQ's on behalf of the buyers after further filtering to a possibly shorter (target) list of sellers. The motivation would have been the old and well known one of saving the customer time/effort and tedium in the selection/buying process by taking advantage of the expertise of the broker as well as letting him do the leg work and take the possible aggravations dealing with sellers.

The Examiner further interprets the selection of sellers to be claimed "automatic" because it is performed by computer.

To this end, the TS article discloses a Web-based system. Thus the addition of the brokerage step, obvious to one skilled in the arts as explained above, obviously would further be implemented, by one skilled in the arts, by computers on the network and thus would be automatic as claimed. The obvious reasons are of gaining processing speed by use of computers and to integrate into the TS system , as would be clear and feasible to one skilled in the arts, in

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view of the available computer technologies at the time of the invention, to take advantage of the TS system built-in efficiencies.

Further, it was known at the time of the invention that merely providing an automatic means to replace a manual activity which accomplishes the same result is not sufficient to distinguish over the prior art, *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958). Thus, simply automating the brokerage step (as discussed above) gives just what one would expect from the manual brokerage step as Officially Noticed above: saving the customers time and effort in the buying process by using the brokers' expertise, and doing so in a more expedient manner. In other words, there is no enhancement found in the claimed step other than the known advantage of increased speed. The end result is the same as compared to the manual method.

Thus it would have been obvious to a person of ordinary skill in the art at the time of the invention to automate the step of having a broker select the set of sellers because this would speed up the selecting step. This result is a purely known and expected result from automation of what is known in the art.

Claims 55 and 56 essentially parallel claim 1 in storage and computing system format, respectively and are rejected on the same basis as claim 1.

As to claims 32, 38, 43, 45 46, 48 and their dependencies, the method of claim 1 is disclosed as above discussed.

Claim 32.

TS implicitly discloses querying one or more electronic databases of existing product configurations (p. 1 paragraph 4, "most comprehensive database") to determine whether a product representing the received set of product attributes is available (TS's Percentage Matching Algorithm that ranks systems by how closely they match the desired configuration (p.

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1 8th paragraph). thus implicitly the customer is notified whether or not the desired set of attributes is available (100% match or not)).

(Also note :Dworkin also discloses querying one or more electronic databases of existing product configurations to determine whether a product representing the received set of product attributes is available.(abstract; Fig 2 and associated text, esp. item 39 and 40; col 1 l. 63 et seq.: “The present invention helps a user to locate and purchase goods or services having desired characteristics, and also having the best available price. The invention employs a computer, or equivalent, which is linked to a database containing information about products and services and the vendors who supply them...”)

As for claims 33-37 , the method of claim 32 is disclosed as above.

Claim 33.

TS does not explicitly disclose receiving a response to the query that a product with the requested set of attributes is not available; and providing the customer with an indication that the set of attributes is not available.

However TS discloses the Percentage Matching Algorithm that ranks systems by how closely they match the desired configuration (p. 1 8th paragraph). Thus implicitly the customer is notified whether or not the desired set of attributes is available (100% match or not)

Claim 34. As for claim34 , the method of claim 33 is disclosed as above.

Further, TS does not explicitly disclose identifying one or more available product configurations that meet at least a subset of he received set of attributes from the electronic database; and prompting the customer with an

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opportunity to select one or more of the identified product configurations with which to generate the RFQ.

However TS discloses the Percentage Matching Algorithm that ranks systems by how closely they match the desired configuration (p. 1 8th paragraph) thus TS implicitly discloses identifying one or more available product configurations that meet at least a subset of the received set of attributes from the electronic database.

Further, it can logically inferred from TS that such results will be displayed to the customer. One skilled in the art at the time the invention was made would have found it obvious to add prompting (the technique of prompting is well-known) the customer with an opportunity to select one or more of the identified product configurations with which to generate the RFQ, from TS 's matched/closely matched configurations list, to increase the probability of sale closing after the product matching process.

(Also, note offering substitute products is a well-known business practice: see. E.g., Green, (US Pat. 6041310) which teaches providing customers with a secondary vehicle choice if the desired configuration cannot be matched exactly from existing inventory (col 10 line 64 to col. 11 line 8, col 11 lines 30-37). One skilled in the art at the time the invention was made would have found it obvious to add such features as taught by Green to TS's to increase the probability of sale closing after the product matching process).

Claim 59-61 essentially parallel claims 32-34, respectively, in computing system format and are rejected on the same basis.

Claim 35. The method of claim 32 is disclosed as above discussed.

TS discloses that the database is updated by PCAgent and participating vendors (paragraph 4).

One skilled in the arts would have known to read TS's vendors as including manufacturers since

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these would known most about available set of product configurations. (see e.g. Peckover et al, US Pat 6119101, (Fig 8A item 140 and associated text) which discloses "A Remote Database Adaptor 140 provides communication and session management services to connect to a database (a "remote database", not shown) belonging to a manufacturer or a provider"). Thus one skilled in the arts would have known, at the time of the invention to have the electronic database containing information from product manufacturers regarding the available set of product configurations, as claimed.

As for claims 36-37, the method of claim 35 is disclosed as above.

Claim 36.

TS discloses that the database is updated (managed) by PCAgent and participating vendors (i.e. thus implicitly including manufacturers)(paragraph 4). (see claim 35 above) Thus one skilled in the arts would have known, at the time of the invention to have at least a subset of the electronic database(s) are managed by the product manufacturers so they can update their available configurations.

Claim 37.

TS inherently discloses at least a subset of the electronic database(s) are populated with product availability information from one or more sellers to allow the operation of the disclosed SellerFinder and Percentage Matching Algorithm features.

As for claim 38 and its dependencies , the method of claim 1 is as above-disclosed.

Claims 38-41., TS does not explicit disclose wherein transmitting the RFQ comprises:

confirming that a product representing the received set of product attributes is manufactured;
generating the RFQ using the received set of product attributes, if available; and
selecting a subset of sellers from the plurality of sellers to which the generated RFQ is transmitted based, at least in part, on user attribute(s) associated with the requesting customer.

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However, in TS , the customer transmitting the RFQ inherently has confirmed to himself that a product with the desired configuration or partly matching the configuration is available (manufactured) through the “Percentage Matching Algorithm” feature ;then the system generates the RFQ using the received set of product attributes (perfect match or a substitute) , if available (manufactured) selected by the customer;
Lastly he selects a subset of sellers from the plurality of sellers to transmit the RFQ to .

TS does not explicitly disclose that the selected sellers are chosen based, at least in part, on user attribute(s) associated with the requesting customer. However its model allows customers to review matching sellers together with their support and service policies (p. 1 paragraphs 4 and 8) which inherently and obviously would include an address where support or service can be had.

Also location as a seller criterion reviewable by customers is well-known (see, e.g. Dworkin, col 7 line 47).

Further, Official Notice is taken that customers often choose sellers based on geographical areas (of their own (user attribute(s) associated with the requesting customer, claims 38 and 39)) or the sellers’ (claims 40-41)) because they can get better service or support or because the product sought poses a shipping costs or risk issue.

Thus, it would have been obvious to one skilled in the art at the time the invention was made to combine TS’s teaching with the option of selecting sellers based on geography (of the sellers or their own) to improve customer satisfaction in accordance well-known customer habits and preferences.

As for claim 42 , the method of claim 38 is as above-disclosed
Claim 42. TS does not explicitly disclose generating the RFQ using a modified set of product attributes if the received set of attributes are not available.

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TS through the feature of Percentage Matching Algorithm inherently discloses that the initial desired configuration may not be available and inherently displays alternate configurations.

Since TS also teaches sending an RFQ after displaying the matching/closely matching list of products and the list of sellers, one skilled in the arts would have known to infer from TS disclosures that it would be advantageous to send RFQ's regarding a closely matching substitute in case there is no perfect match to allow completion of a sales transaction to the benefit of both sellers and customers.

(Note: Green, US 6041310 also teaches providing customers with a secondary vehicle choice if the desired configuration cannot be matched exactly from existing inventory (col 10 line 64 to col. 11 line 8, col 11 lines 30-37). One skilled in the art at the time the invention was made would have found it obvious to add Green's teachings to TS's to increase the probability of sale closing after the product matching process.)

Claim 62-65 and 67 essentially parallel claims 38-41 and 42, respectively, in computing system format and are rejected on the same basis.

Claim 43.

The method of claim 1 is disclosed as above discussed. Further, TS inherently discloses receiving quotes from sellers in response to RFQ's as above discussed. The well-known role of a broker performing some comparing /matching / weeding out options services for the consumer to save this latter time and effort has been discussed earlier.

Further, the claimed steps of "identifying one or more of the received quotes that meet a largest subset of the set of product attributes and a largest subset of user attributes; and transmitting the identified one or more quotes to the customer" are well-known steps routinely performed by brokers (manually or part-manually) for their customers in order to satisfy the customers set of

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purchasing criteria. (e.g. in a house purchase example, user attributes would be location and quality of schools and house attributes would be style, number of rooms....)

Thus one skilled in the arts would have known to incorporate such steps into the system of claim 1 as disclosed by TS and other business principles as explained above. (Note: TS already discloses meeting the largest subset of product attributes with the Percentage Matching Algorithm) The motivation would have been to increase the level of delegation to the broker(let the broker do the analysis) to save the customer more time/effort.

As explained in claim 1 above, incorporation of these additional step onto the web-based system of TS to take advantage of computing speed in the analyses would have been obvious to one skilled in the arts at the time of the invention.

Further automation of a known manual step (the additional broker analysis step of identifying one or more of the received quotes that meet a largest subset of the set of product attributes and a largest subset of user attributes) which accomplishes the same result is not sufficient to distinguish over the prior art, *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958).

Claim 68 essentially parallels claim 43 in computing system format and thus is rejected on the same basis

Claim 44. The method of claim 43 is disclosed as above discussed. Official Notice is taken that customer notifying performed by electronic mail (email) message and/or a facsimile transmission is well-known at the time of the invention, and thus one of ordinary skill would have known to use such means in tandem with the TS system for the old obvious reasons of providing flexibility of means of communication with the customers.

Claim 45. The method of claim 1 is disclosed as above discussed. Official Notice is taken that customer notifying performed using one or more of a telephone, electronic mail (email) message and/or a facsimile transmission is well-known at the time of the invention, and thus one of ordinary skill would have known to use such means in tandem with the TS system for the old obvious reasons of providing flexibility of means of communication with the customers.

Claim 54. The method of claim 1 is disclosed as above discussed. It would have been obvious to one skilled in the arts that the broker-assisted TS system, as discussed in claim 1, is applicable to automobiles as well as computers, and to include individual automobile dealers as sellers expand the internet/computing efficiencies to the automobile market.

8. Claims 52-53 and 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over the TechShopper (TS) article in view of well-known business practices as applied to claim 1 above and further in view of Walker, US 57694207.

As for claim 52, the method of claim 1 is disclosed as above discussed. However, TS does not teach tracking the status of each RFQ. However, Walker teaches tracking of all transaction documents with a database(col. 13 line 23-29). It would have been obvious to one skilled in the art at the time the invention was made to combine the teachings of the TS article in view of well-known business practices as applied to claim 1 above and Walker to ensure proper customer service, such as avoiding repetitious fulfillment of RFQ

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Claim 71 essentially parallels claim 52 in computing system format and thus is rejected on the same basis

Claim 53. The method of claim 52 is disclosed as above. Official Notice is taken that it is well-known in customer service to update the customer by selectively providing on at least one of a periodic basis, upon a request from the customer, and/or upon receipt of status notifications received from one or more of the seller(s).

9. Claims 30-31, 57-58, 46-47, 48-49, 69, 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over the TechShopper (TS) article and well-known business practices as applied to claim 1 above and further in view of Dworkin (US Pat. 4992940).

As for claims 30 and 46, 48 and their dependencies, the method of claim 1 is disclosed as above.

TS does not explicitly disclose but Dworkin does receiving the set of product attributes comprises: providing a customer with a graphical user interface (GUI) at an accessible computing system, the GUI comprising one or more modifiable fields and/or pull-down menus through which the customer can selectively assemble the set of product attributes associated with a desired product configuration (figures 2A-5 and associated text). One skilled in the arts at the time of the invention would have known to add to Dworkin's GUI disclosure to TS's to allow the user efficiently to interface with the system (Note : TS also discloses that the PCAgent who manages the TS system offers the latest advances in graphical user interfaces p. 2, 4th paragraph.)

Claim 31. As for claim 31, the method of claim 30 is disclosed as above.

Neither TS nor Dworkin explicitly disclose the GUI enables a customer to rank each attribute of the set of attributes in accordance with their relative importance to the customer.

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Official Notice is taken that this additional feature is a well-known shopping/selection method. One example is buyers of real estate being given a checklist by realtors to rank their house attributes as needed or desired with the needed items more important than the desired ones.

One skilled in the arts at the time of the invention would have known to add this feature to the TS/Dworkin teachings to enhance the possibility of matching substitutes in case no perfect match is possible and to find among those the ones most likely to please the customer just as is traditionally done manually by brokers or by consumers on their own behalf.

Claims 57 and 58 essentially parallel claims 30 and 31 in computing system format and is rejected on the same basis.

Claim 46. The method of claim 1 is disclosed as above discussed. TS does not disclose receiving an indication of acceptance of at least one of the received quotes from the customer; and notifying a seller associated with the accepted quote of the acceptance to facilitate purchase of the product. However one could logically infer a purchase transaction following a the receipt of a quote by the TS system.

Further, Dworkin discloses placing an order by the customer, over the network, after viewing the returned quotes, Fig 2B item 63 and associated text: e.g. "Test 63 then determines whether the user has chosen to order a product. If not, the system returns to block 23. If the user wants to place an order, the system continues in block 65. In block 65, the system prompts the user for

various pieces of information. Such information should include the identifying number of the supplier from which the user wants to buy. It should also include the user's name and address, and credit card number, if this is the manner of payment. The amount of information taken from the user at this point can vary, and the system can be programmed, using known techniques, to obtain

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whatever information is deemed necessary. It is also possible for the system to store certain information about each user, so that the user can bypass the step of entering a name and address each time an order is placed”.

One skilled in the arts would have known to integrate the Dworkin feature as discussed above into the TS system to allow the TS customer to complete a transaction after receiving quotes.

Further it is well-known that “receiving an indication of acceptance of at least one of the received quotes from the customer; and notifying a seller associated with the accepted quote of the acceptance to facilitate purchase of the product” are traditional manual acts performed by a transaction broker.

Adding this step to the TS system would have been obvious for the reasons earlier stated in claim 1: relieving the customer from some transaction work. Implementing it on a network would be consistent with integration into the TS system for efficiencies purposes as discussed earlier. Automation of a known manual process is further not distinguishable over the prior art per *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958), as discussed above.

Claim 69 essentially parallels claim 46 in computing system format and thus is rejected on the same basis.

Claim 47. The method of claim 46 is disclosed as above.

Further, Official Notice is taken that sellers notifying performed using one or more of a telephone, electronic mail (email) message and/or a facsimile transmission is well-known at the time of the invention, and thus one of ordinary skill would have known to use such means in tandem with the TS system for the obvious reasons of providing flexibility of means of communication with the sellers.

Claim 48.

The method of claim 1 is disclosed as above discussed.

However TS does not disclose the received set of product attributes are received from an authenticated buyer on behalf of the requesting customer, wherein the authenticated buyer provides an indication, either explicit and/or implicit, that the customer has funds available to complete the purchase.

Dworkin discloses an authenticated buyer. (Dworkin discloses placing an order by the customer, over the network, after viewing the returned quotes, Fig 2B item 63 and associated text).

One skilled in the arts would have known to integrate this Dworkin feature as discussed above into the TS system to allow the TS customer to complete a transaction after receiving quotes.

The brokerage system is well-known as discussed above. It is well-known that brokers rely on their reputations to do business with vendors be it house builders or mortgage banks. It well-known that if a broker produce a customer who would not live up to the bargain offered after wasting the vendor's time assembling a quote, such broker's reputation would be damaged. Therein lies another reason why brokers are traditionally used, to serve as trusted agent both for the sellers and the buyers. For the buyer he vouches for a good product after a thorough search/match; for the seller, he vouches for a qualified buyer if the sellers would spend the time assembling the quote.

Thus it is well-known that real estate brokers sometimes ask clients for a prequalification letter showing that they have sufficient funds before starting the house search process.

Thus the step of "the received set of product attributes are received from an authenticated buyer (e.g. a realtor) on behalf of the requesting customer, wherein the authenticated buyer provides an indication, either explicit and/or implicit, that the customer has

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funds available to complete the purchase” is a well-known manual business practice, especially when the product is in great demand.

Thus, adding this step to the TS system would have been obvious to one skilled in the art at the time of the invention, for the traditional reasons a broker is used: so the parties can rely on his reputation (implicit indication of qualification of the buyer) or explicit representation to ensure that they are not wasting their time in a hot market. Implementing it on a network, such as taught by TS and Dworkin, as discussed above, would be consistent with integration into the TS system for communication efficiencies purposes. Automation of a known manual (prequalification/ assurances to the sellers through a broker) process is further not distinguishable over the prior art per *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958), as discussed above.

Claim 70 essentially parallels claim 48 in computing system format and thus is rejected on the same basis

Claim 49. The method of claim 48 is disclosed as above discussed. Further Dworkin discloses the authenticated buyer is the customer. (Fig 2b, item 63 and associated text).

Conclusion

10. Prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

All previously cited art.

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Newly cited: Peckover et al, US Pat 6119101, discloses shopping agents

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh H. Le whose telephone number is (703) 305-0571. The examiner can normally be reached on Monday-Friday from 9:00 AM - 5:30 PM. The examiner can also be reached at the e-mail address: khanh.le2@uspto.gov

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, can be reached on (703) 305-8469. Facsimile transmissions to this Group may be directed to (703) 305-3718. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900

July 20, 2001



ERIC W. STAMBER
PRIMARY EXAMINER